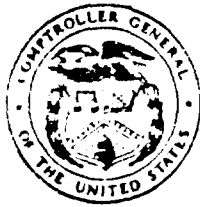


# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

268162

FILE: B-212774

DATE: November 23, 1983

MATTER OF: JT Systems, Inc.

## DIGEST:

Where initial protest to contracting agency is untimely filed, subsequent protest to GAO is dismissed as untimely.

JT Systems, Inc. (JT Systems), protests the award of a contract to Ingersoll Rand Company under invitation for bids (IFB) No. N62922-83-C-6571, issued by the Naval Facilities Engineering Command (Navy).

We dismiss the protest as untimely and, therefore, it will not be considered on the merits.

By letter dated May 3, 1983, the Navy informed JT Systems that its bid had been determined nonresponsive because it did not meet certain IFB specifications and that the contract had been awarded to Ingersoll Rand. By letter dated June 5, 1983, JT Systems initially protested the award to the Navy. The Navy failed to respond to the protest. By letter dated August 18, 1983, JT Systems protested the matter to this Office.

If a protest is filed initially with a contracting agency, a subsequent protest to GAO filed within 10 days of knowledge of adverse agency action will be considered, provided the initial agency protest was timely filed. 4 C.F.R. § 21.2(a) (1983). To be timely filed with the Navy, JT Systems' protest must have been received by the Navy within 10 working days after it knew or should have known the basis for protest. 4 C.F.R. § 21.2(a) and § 21.2(b)(2) and (3) (1983).

JT Systems knew the basis of its protest upon receipt of the Navy's May 3 letter. While we do not know the exact date of receipt of the letter, it is reasonable to assume that it was received within one calendar week. Therefore, we consider the June 5 protest to the Navy to be untimely, i.e., not filed within 10 days after the protester knew the basis of protest. Since we consider JT Systems protest to the Navy to be untimely, we find its subsequent protest to this Office is untimely and not for consideration on the

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merits. Travel Corporation of America, B-209368,  
November 22, 1982, 82-2 CPD 467; Mountain Valley Nursery,  
Inc., B-201423, January 6, 1981, 81-1 CPD 10.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel